

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:	:	Chapter 7
	:	
VISTACARE GROUP, LLC,	:	Case No. 07-51116
	:	
Debtor	:	ASSIGNED TO: John J. Thomas

**APPELLANT'S DESIGNATION OF ITEMS INCLUDED IN RECORD OF APPEAL
AND STATEMENT OF ISSUES PRESENTED**

The Appellant herein, William G. Schwab, Esquire, Chapter 7 Trustee for Vistacare Group, LLC, files this Designation of Items Included in Record on Appeal and Statement of Issues Presented:

The following shall be included in the record on appeal and are already of record and on file with the Clerk:

1. The Motion for Leave to File Suit filed by CGL, LLC against William G. Schwab, Esquire, Chapter 7 Trustee on July 30, 2010, docket number 347.
2. The Answer of William G. Schwab, Esquire, filed on August 12, 2010 in response to the Motion for Leave to File Suit filed by CGL, LLC, docket number 353.
3. The Order of Judge Thomas dated October 22, 2010, granting CGL, LLC's Motion for Leave, docket number 369.
4. Transcript of Hearing in the United States Bankruptcy Court for the Middle District of Pennsylvania on October 21, 2010, with admitted exhibits, ordered but not yet docketed.

5. Notice of Appeal filed on November 4, 2010, docket number 370.

Statement of Issues Presented

1. Whether the bankruptcy judge erred in finding the Barton Doctrine no longer applicable when granting CGL, LLC leave to file suit against William G. Schwab, Esquire, Chapter 7 Trustee, when the bankruptcy judge failed to adequately consider the reasons to deny the request for leave to file suit under the Barton Doctrine and applicable law thereunder?

2. Whether the bankruptcy judge erred in granting CGL, LLC leave to file suit against William G. Schwab, Esquire, in the Lancaster County Court of Common Pleas?

Respectfully submitted,

Lavery, Faherty, Young & Patterson, P.C.

By: /s/ Frank J. Lavery, Jr.

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Esquire, Chapter 7 Trustee

DATE: November 12, 2010

CERTIFICATE OF SERVICE

I, Megan L. Renno, an employee with the law firm of Lavery, Faherty, Young & Patterson, P.C., do hereby certify that on this 12th day of November, 2010, I served a true and correct copy of the foregoing Designation of Items Included in Record on Appeal and Statement of Issues Presented via U.S. Middle District Bankruptcy Court's Electronic Case Filing System, addressed as follows:

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/s/ Megan L. Renno
Megan L. Renno
Legal Secretary to Frank J. Lavery, Jr.,
Esquire

This document has also been electronically filed and is available for viewing and downloading from the ECF system.